

REMARKS

In the Office Action dated 08 June 2004, claims 1-6, all claims currently pending in the above-captioned U.S. patent application were rejected and the rejection was made FINAL. Applicants have carefully reviewed the Office Action and submit the amendments above and the remarks herein as a full and complete response thereto. Applicants further submit that the amendments are fully supported by the application as filed, introduce no new issues for consideration and place the application in condition for allowance or in better condition for appeal.

According to the present application there is described a two-step method (c.f. paragraphs [0015] and [0031] of the present application).

For the first step (c.f. paragraph [0018] of the present application), there can be applied two methods:

a) a 2-layer film made of Sympatex® and hydrophilic copolyetherester (from Example 1) is made by means of coextrusion (Example 2) or,

b) a Sympatex® film (membrane) is laminated to a hydrophilic copolyetherester film at higher temperature by applying pressure (Example 3).

In the second step (paragraphs [0013] and [0030] of the present application), the coextruded film or the laminate, respectively, is bonded to the face fabric by means of powder dot coating by a conventional hot-melt adhesive (Example 4, or Example 5, and claim 6).

Such a two-step method for producing a bonded fabric being of single polymer construction and having a good resistance to washings, consisting of :

- a layer being waterproof and water vapour permeable;
- a layer made of hot-melt adhesive on basis of hydrophilic copolyetheresters; and

- a woven, non-woven fabric or knitted fabric as substrate layer;

is not disclosed in any of the references cited during the examination. Moreover none of cited references is a method patent.

Mahler cited, in the paragraph bridging pages 3 and 4 of the Office Action, describes a method for producing a bonding which is used in Example 6 (comparison example) of the present application. The practice of the reference does not lead to a durable wash-resistant fabric, as shown by the comparison example.

Applicants have cancelled claims 1, 2 and 3, and merged them into new claim 10. The new claim differentiates between the waterproof vapor permeable film A, the polyester based lining or scrim B, the first hot melt adhesive C and the second hot melt adhesive D. The claims now make it certain that adhesive C is a necessary coating component on the film A to enable adhesive D to function in the manner taught and claimed.

Minor editorial changes have been made to claims 4, 5 and 6.

A copy of the European Patent Office listing of the patent family for this application is attached, indicating that the German equivalent of this application was granted on 25 March 2004.

Also enclosed is the Search Report for equivalent European Application EP 1236567 A1.

Claims 1, 4 and 5 had been rejected under 35 USC 102(b) as anticipated by Frankosky, WO 91/09166 (also U.S. Patent Number 5,064,703). Applicants note that the inclusion of the limitation of previous claim 2 in new claim 10 obviates an anticipation in view of Frankosky (c.f. Office Action of 8 June 2004 at page 8, item 11).

Claim 3 had been rejected under 35 USC 103(a) over Frankosky in view of Mahler, U.S. Patent No. 5,418,044 or the admitted prior art. Claim 3 has been cancelled and the limitation recited therein included in new claim 10.

Claim 6 had been rejected as obvious over Frankosky in view of the admitted prior art. Claim 6 now depends from new claim 10.

Claims 1, 2 and 4 through 6 had been rejected under 35 USC 103(a) over Horn, U.S. Patent Number 5,447,783 in view of Tanaka, U.S. Patent No. 4,130,603, Frankosky or the admitted prior art. Horn is cited for a film and uses of generic adhesives for bonding to another material. Tanaka and Frankosky are cited for adhesives, although both references teach a significant amount of isophthalic acid in the formulation. Reference is made to Applicants' previous response at page 6 and the recent Office Action at page 8. Stereochemistry cannot be ignored either in science or in law. The difference between D-glucose and L-glucose would never be considered to be trivial under any circumstance and the difference between terephthalic acid and isophthalic acid ought not to be ignored in this instance. Reconsideration is proper and is respectfully solicited.

Claim 3 had been rejected over Horn in view of Tanaka, Frankosky or the admitted prior art. Claim 3 has been cancelled.

Claims 1, and 3 through 6, had been rejected under 35 USC 103(a) over the prior art in view of Horn or Frankosky. Claim 1 has been cancelled and replaced with new claim 10 which includes the limitations previously recited in claim 2. The rejection is now nugatory.

Claim 2 had been rejected under 35USC 103(a) over the admitted prior art in view of Horn.

Claim 2 has been cancelled.

With respect to the Office Action at page 9 lines 7-9, claim 10 recites the composition of copolyetheresters in closed language and does not allow of isophthalates.

In view of the amendments and remarks shown, Applicants assert that the claims are in condition for allowance and request reconsideration and favorable action thereon.

Respectfully submitted,


J. Herbert O'Toole

Registration No. 31,404

Attorney for Applicant(s)

NEXSEN PRUET, LLC

P.O. Box 10107

Greenville, SC 29603

Telephone: 864/ 370- 2211

Facsimile: 864/ 282-1177

Enclosure: Espacenet Printout of Patent Family
Search Report for equivalent European Application EP 1236567 A1

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by: Jacqueline Beavers 



Europäisches
Patentamt

EUROPÄISCHER RECHERCHENBERICHT

Nummer der Anmeldung
EP 02 00 3846

EINSCHLÄGIGE DOKUMENTE			
Kategorie	Kennzeichnung des Dokuments mit Angabe, soweit erforderlich, der maßgeblichen Teile	Betrifft Anspruch	KLASSIFIKATION DER ANMELDUNG (Int.Cl.7)
A	US 5 447 783 A (HORN MURRAY H) 5. September 1995 (1995-09-05) * Spalte 9, Zeile 45-56; Ansprüche; Beispiele *	1-9	B32B27/12 B32B27/36 A41D31/02 C08G63/672 C09J167/02
A	EP 0 560 630 A (MCNEIL PPC INC) 15. September 1993 (1993-09-15) * Ansprüche 1,8,14,15; Beispiele 1,5 *	1,6,8,9	
A	US 5 529 830 A (WILLMANN ROBERT C ET AL) 25. Juni 1996 (1996-06-25) * Spalte 11; Ansprüche 1,2,6,12,14; Abbildungen *	1-9	
A	US 5 767 226 A (KINKELIN EBERHARD ET AL) 16. Juni 1998 (1998-06-16) * das ganze Dokument *	1,8,9	
			RECHERCHIERTE SACHGEBIETE (Int.Cl.7)
			B32B
Der vorliegende Recherchenbericht wurde für alle Patentansprüche erstellt			
Recherchenort DEN HAAG		Abschlußdatum der Recherche 30. Mai 2002	Prüfer Ibarrola Torres, O
KATEGORIE DER GENANNTEN DOKUMENTE X : von besonderer Bedeutung allein betrachtet Y : von besonderer Bedeutung in Verbindung mit einer anderen Veröffentlichung derselben Kategorie A : technologischer Hintergrund O : nichtschriftliche Offenbarung P : Zwischenliteratur T : der Erfindung zugrunde liegende Theorien oder Grundsätze E : älteres Patentdokument, das jedoch erst am oder nach dem Anmeldedatum veröffentlicht worden ist D : in der Anmeldung angeführtes Dokument L : aus anderen Gründen angeführtes Dokument & : Mitglied der gleichen Patentfamilie, übereinstimmendes Dokument			

EPO FORM 1503 03 82 (P04C03)

Family list**4** family members for:**EP1236567**

Derived from 3 applications.

- 1 Method for bonding a copolyetherester film to copolyester**
Publication info: **DE10109622 A1** - 2002-09-12
DE10109622 B4 - 2004-03-25
- 2 Process for adhesive bonding copolyetherester film with copolyester**
Publication info: **EP1236567 A1** - 2002-09-04
- 3 Method for bonding a copolyetherester film to copolyester**
Publication info: **US2002160674 A1** - 2002-10-31

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